

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

WAVE NEUROSCIENCE, INC. a
Delaware Corporation,

Plaintiff,

vs.

BRAIN FREQUENCY LLC, a Texas
Limited Liability Company

Defendant.

Case No. 5:23-CV-00626-XR

Honorable: Xavier Rodriguez

**DECLARATION OF J. RICK TACHE IN SUPPORT OF PLAINTIFF'S
OPENING CLAIM CONSTRUCTION BRIEF**

I, J. Rick Taché, declare as follows:

1. I am an attorney duly approved to practice law in the State of California and, for purposes of this case, admitted *pro hac vice* to practice law in the State of Texas. I am a shareholder at the law firm of Buchalter, counsel for Plaintiff Wave Neuroscience, Inc. in this action. The facts stated herein are within my personal knowledge and if called upon to testify I can truthfully and competently do so as to all matters herein. This declaration is submitted in support of Plaintiff's Opening Claim Construction Brief.

2. Attached hereto as **Exhibit A** is a true and correct copy of an article titled "Brain Activity and Clinical Outcomes in Adults With Depression Treated With Synchronized Transcranial Magnetic Stimulation: An Exploratory Study" by Cook I.A., Wilson A.C., Corlier J., Leuchter A.F., published in 2019 by the

International Neuromodulation Society. A relevant passage in the introduction section of Exhibit 8 has been highlighted to direct the Court's attention.

3. Attached hereto as **Exhibit B** is a true and correct copy of a webpage (<https://brainfrequency.ai/overview>) from Defendant's own website (<https://brainfrequency.ai>) last accessed on May 17, 2024.

4. Attached hereto as **Exhibit C** is a true and correct copy of the Claim Construction Order entered in *Wave Neuroscience, Inc. v. Peaklogic, Inc. et al.*, Case No. 3:21-cv-01330, Dkt. No. 74 (S.D. Cal. Nov. 10, 2022).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 17, 2024.

By: */s/ J. Rick Tache*
J. Rick Taché